

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

RECEIVED

FEB 02 2018

U.S. DISTRICT COURT
WESTERN DIVISION
OF MISSOURI

Consuelo E. Kelly-Leppert

10257 Switzer

Overland Park, Ks. 66212

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

United States of America

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for a Civil Case

Case No. 4:18-cv-00089
(to be filled in by the Clerk's Office)

REQUEST FOR TRIAL BY JURY

Plaintiff requests trial by jury. ☒ Yes ☐ No

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

| | |
|--------------------|------------------------------|
| Name | Consuelo E. Kelly-Leppert |
| Street Address | 10257 Switzer |
| City and County | Overland Park Johnson County |
| State and Zip Code | Kansas 66212 |
| Telephone Number | 913-5419156 |
| E-mail Address | consuelokelly@hotmail.com |

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

| | |
|------------------------------|--------------------------|
| Name | United States of America |
| Job or Title (if known) | |
| Street Address | |
| City and County | |
| State and Zip Code | |
| Telephone Number | |
| E-mail Address (if known) | |

Defendant No. 2

| | |
|----------------------------|--|
| Name | |
| Job or Title (if known) | |
| Street Address | |
| City and County | |

State and Zip Code _____

Telephone Number _____

E-mail Address _____
(if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only three types of cases can be heard in federal court. Provide the designated information for this type of case. *(Check all that apply)*

☒ Federal question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

FTCA Equitable tolling 28USC 1346(B) and Section 2401(b) title 28 USC

☒ Suit against the Federal Government, a federal official, or a federal agency

List the federal officials or federal agencies involved, if any.

agency: Veterans Administration

☐ Diversity of Citizenship

These are cases in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

A. The Plaintiff(s)

The plaintiff, *(name)* _____, is a citizen of the State
of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

B. The Defendant(s)

1. If the defendant is an individual

The defendant, (name) _____, is a citizen of the State of (name) _____. Or is a citizen of (foreign nation) _____.

2. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____. Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

C. The Amount in Controversy

The amount in controversy----the amount the plaintiff(s) claims the defendant(s) owes or the amount at stake----is more than \$75,000, not counting interest and costs of court, because *(explain)*:

\$130M due to death of a loved one and hence i suffered loss of companionship, loss of business partner hence loss of future sales to be generated and loss of future sale of our company. Loss of husband, father, grandfather resulting in pain and suffering.

III. Statement of Claim

Write a short and plain statement of FACTS that support your claim. Do not make legal arguments. You must include the following information:

- What happened to you?
- What injuries did you suffer?
- Who was involved in what happened to you?

- How were the defendants involved in what happened to you?
- Where did the events you have described take place?
- When did the events you have described take place?

If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

1) FTCA tort in which Veterans Administration did not provide proper care to my deceased husband.

2) The failure to timely discover and diagnose my husband's primary cancer and metastasis thereof.

3) The failures caused an early death.

4) The failures caused long pain and suffering to him and his family.

5) The failures caused loss of business in which we exhausted our savings.

IV. Relief

State briefly and precisely what damages or other relief you want from the Court. Do not make legal arguments.

There is no dollar amount in life and my deceased husband will never come back.

Compensatory damage(s) of \$130M is what I claim.

Do you claim the wrongs alleged in your complaint are continuing to occur at the present time?

Yes ☐

No ☒

Do you claim actual damages for the acts alleged in your complaint?

Yes ☐

No ☒

Do you claim punitive monetary damages?

Yes ☒

No ☐

If you indicated that you claim actual damages or punitive monetary damages, state the amounts claimed and the reasons you claim you are entitled to recover these damages.

The total amount of \$130M covers punitive damages.

V. Certification and Closing


Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 2/3, 2018.

Signature of Plaintiff

Printed Name of Plaintiff


CONSUELO E. KELLY-LEPPER